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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LAM, HUNG H	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/658,549
Filing Date: September 10, 2003
Appellant(s): OKA ET AL.

James J. Kulbaski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/25/09 appealing from the Office action mailed 08/22/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after Final Office Action mailed on 08/22/08.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US-2003/0,202,104 Werner 10-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Werner (US-2003/0,202,104).

With regarding **claim 1**, Werner discloses a digital camera comprising:

a device for storing image data (Fig. 1; memory 108);

a communication device connected to a local area network to conduct a data communication (Fig. 1; TX/RX 106); and

a control device to control said storing device and said communication device (controller 104), wherein

said control device controls said communication device to broadcast request data over said local area network (Fig. 12; see step 1212), and when data for responding to said request data is received from a piece of equipment (it is further explained that the combination of the location-based service provider and one of the photo processing establishment is broadly interpreted as a set of one of physical resources, system or “a

Art Unit: 2622

piece of equipment”) which is connected to said local area network (Fig. 12; see step 1214; [0052-0055]), said control device detects an IP address of the piece of equipment from which said response data is sent (Fig. 12; see step 1216; the physical address of one or more photo processing establishments is interpreted as one or more IP addresses), and sends the image data which is stored in said storing device to the piece of equipment which includes the detected IP address (1218; [0055]).

With regarding **claim 2**, Werner discloses a digital camera according to claim 1, further comprising:

a display device to display a list of the IP addresses detected by said control device or a list of the equipment which includes the IP addresses (Fig. 12; see step 1216); and

a selection device to select one or more of the IP addresses or the equipment displayed on said list ([0055]: a selection device is inherently included in order to select a particular photo processing establishment as a destination for sending image data), wherein

said control device sends the image data stored in said storing device to the equipment which includes the one or more of IP addresses selected by said selection device or the equipment which is selected by said selection device ([0055]).

With regarding **claim 6**, the claim is a method of the apparatus claim 1. Therefore, claim 6 is analyzed and rejected as previously discussed under claim 1.

(10) Response to Argument

ISSUE 1

The Appellant asserts, that “Broadcasting over a computer network does not encompass every and any network communication, but broadcasting on a computer network is a well known term and understood by one in the art to mean that it is a sending of a message to a plurality of devices on the computer network. Broadcasting on a network is quite different from the common type of network transmission. Werner clearly discloses that the camera sends location coordinates, i.e., data representative of the position of the camera to a location-based services provider 1212. See Werner at paragraph [0055]. That is, the camera sends information to a predetermined particular piece of equipment. Thus, a first reason why the claims are not anticipated by Werner is that Werner at best discloses a unicast scheme whereas the claims require a broadcasting over a network.”

The Examiner respectfully disagrees. The claim language does not specifically require broadcasting the request data to all or a plurality of devices in a local area network. Therefore, the claim language does not preclude the Examiner from interpreting sending location coordinates of the position of the camera to a predetermined particular piece of equipment as a way broadcasting information to a predetermined particular piece of equipment (Werner: Fig. 12; step 1212; [0055]). Further more, the Examiner must give the broadest reasonable interpretation. According

Art Unit: 2622

to <http://dictionary.reference.com>, Merriam-Webster's College Dictionary (10th edition) and American Heritage College dictionary (4th edition), "broadcast" means: to transmit for general use, to send out or communicate (esp. by radio or television), to transmit a broadcast or to send a transmission signal. Thus the Werner reference read on the broadcast definition because Werner teaches a camera that sends location coordinates of the position of the camera to a location-based services provider. The services provider then sends back physical and communication address of one or more photo processing establishments (Werner: Fig. 12; step 1212; [0055]).

ISSUE 2

The Appellant asserts, that" In applying this reference, the Examiner has effectively overlooked or ignored the requirement of the word "said" in the phrase "said control device detects an IP address of the piece of equipment from which said response data is sent." Antecedent basis for "said response data" is found in Claim 1 to be "data for responding to said request data." Thus, the response data must be a response to the request and the request is recited as originating from the communication device of the camera.

While it is acknowledged that this communication address recited in step 1214 of Werner could be an IP address, such a communications address sent back by the service provider is not an address of the piece of equipment from which said response data is sent. It is an address of a photo processing establishment which was previously

Art Unit: 2622

determined but the address is not sent from the photo processing establishment to the camera but the address is sent from the service provider to the camera.”

The Examiner respectfully disagrees. First of all, the Examiner has not overlooked or ignored the phase said respond data. The respond data is interpreted as the physical location of one or more photo processor sent back by the service provider (Fig, 12; see step S1214).

According to <http://dictionary.reference.com> and Merriam-Webster's College Dictionary (10th edition) “equipment” means: the collective designation for articles, fixed assets that are acquired as addition or supplements to more permanent assets, the set of articles or physical resources serving to equip a person or thing. Further more, any piece of communication equipment inherently includes other types of physical resource such that communication, power supply, memory and other resource in order for the equipment to operate. Therefore, it is reasonable to interpret the combination of the location-based service provider and one of the photo processing establishment as a set of one of physical resources, system or “a piece of equipment” of the claim invention.

Second of all, it is further noticed that the claim language does not specifically require which part / resource of the piece of equipment is used for receiving or sending request or respond data and whether these receiving and sending action is directly or indirectly from any resource within the “piece of equipment”.

Finally, even the physical location of one or more photo processors/ establishment is send not directly from one or more photo processors/ establishment, the combination of the location-based service provider and one of the photo processing

Art Unit: 2622

establishment still read on the claim limitation because the service provider is a part or recourse of the "piece of equipment".

ISSUE 3

The Appellant asserts, that the following feature is also missing from Werner "sending of image data from the camera to the piece of equipment which includes the detected IP address."

The Examiner respectfully disagrees. Werner teaches a display for displaying at least portion of physical or communication address of one or more photo processing establishments sent from location-based service provider (Fig. 12; step 1216). Upon input from the user, one or more image data files are transmitted to one or more photo processing establishment (Fig. 12; step 1218; [0055]). Werner reference thus read on the claim limitation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

./Hung H. Lam/.

Conferees:

Application/Control Number: 10/658,549
Art Unit: 2622

Page 9

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